

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL GRESHAM,

Plaintiff,

v.

Case No. 2:09-cv-231
HON. R. ALLAN EDGAR

JENNIFER M. GRANHOLM, et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff filed a motion requesting several different forms of relief including summary judgment against defendants White and Peterson. Plaintiff asserts that the remaining defendants are using their co-workers to confiscate plaintiff's property. As a result, plaintiff requests summary judgment. Summary judgment would not be a remedy even if plaintiff could establish the truth of these allegations. The underlying case does not assert this claim against these defendants. Plaintiff's motion should be denied.

Plaintiff makes objections to interrogatories asserting that the questions could have been asked at his deposition. Plaintiff makes a very good point, but fails to support this motion in any manner. This court has no idea what plaintiff is asserting in this argument. Plaintiff has failed to attach the interrogatories in question. It appears that plaintiff is requesting an injunction apparently against defendants or non-parties to prevent prison officials from removing his property.

Plaintiff alleges that discovery is needed. In particular, plaintiff claims that he was raped and left with a metal object in his body. Plaintiff asserts that it was defendants' hope that the

hospital would not find the metal object and that plaintiff would die. Plaintiff claims that photographs are needed to support this claim at trial. Plaintiff wants discovery of his institutional file and all records. Plaintiff has not shown that he made an appropriate discovery request. Plaintiff claims that he is an MDOC informant. Plaintiff claims that defendants are avoiding the fact in their discovery answers that they have violent and assaultive histories. Further, plaintiff claims that defendants' defense does not "hold up." Plaintiff claims that the Michigan prison system has a long history of covering-up rapes of prisoners. Plaintiff argues that documentary evidence does not support defendants' claims.

Plaintiff requests summary judgment, a preliminary injunction, discovery, and an attorney appointed. It is recommended that plaintiff's motion (Docket #161) be denied.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3(b). Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: July 31, 2012